

DISCUSSION OF THE AMENDMENT

Claims 1, 3-9 and 11-28 are active in the present application. Claims 2 and 10 are canceled claims. Claims 27 and 28 are amended for matters of form.

No new matter is added.

REMARKS

The Office's combination of Kawabata (JP 2000-338306) and Saotome (JP 57-174367) suffers from a fundamental mischaracterization of the cited art. The Office erroneously asserts that Saotome discloses a composition which suggests the adhesive layer composition of the presently claimed invention. This error in reasoning invalidates the Office's basis for asserting that the presently claimed invention is obvious over the combination of Kawabata and Saotome.

In paragraphs 43 and 44 of the December 29, 2008 Office Action the Office takes the position that the arguments submitted on September 18, 2008 are not commensurate in scope with the claims because the claims do not recite the presence of voids. Applicants submit that one of ordinary skill in the art would readily recognize that the films of Claims 1 and 9 are final products. The feature of Claims 1 and 9 that "the high index refraction layer is impregnated with a portion of the adhesive" inherently or implicitly requires the presences of voids. Voids in or among, for example, the metal oxide particles of the high index refraction layer, permit the impregnation of the film with the adhesive. Applicants thus submit that the claims are commensurate in scope with the arguments and the claims should be allowed.

The Kawabata publication discloses a different article which comprises conductive-metallic-oxide-particles and an acrylic resin. The resin of such an article is intimately mixed with the metal oxide particles and thus there are no voids present on the metal oxide particles into which the adhesive can penetrate during adhesive coating. In essence the Kawabata resin closes the voids of the particles and thus stops impregnation by the adhesive.

Further, the Office admits that Kawabata "is silent as to a teaching the adhesive containing a curable component and a cellulose resin including an ester bond" (see the sentence bridging pages 3 and 4 of the December 29 Office Action). The Office relies on Saotome as evidence that it would be obvious to include such a composition on the Kawabata

antireflection film (see paragraph no. 10 of the December 29 Office Action). The Office's assertion that Saotome discloses an adhesive composition that contains a curable component and a cellulose resin including an ester bond is not correct.

As best understand from the Office Action, it appears that the Office is of the opinion that Saotome discloses the formation of a polymer by polymerizing a mixture that contains polymerizable monomers, and thus Saotome discloses an adhesive composition containing curable groups. The Office asserts:

However, Saotome discloses an adhesive composition that is produced by adding a tackifier to a polymer composition produced by using a small amount of cellulose acetate butyrate (CAB) and/or cellulose acetate propionate (CAP) to which a monomer comprised primarily of methacrylic acid ester is added (see claim 1). Further, it is noted that Saotome discloses formation of adhesive composition (before polymerizing it) wherein the adhesive composition includes CAB and CAP and various monomers such as acrylic acid etc. (see Example 1). It is noted that Applicant has provided no particular composition associated with the "curable component" in the presently claimed invention other than merely requiring that the claimed invention contains "curable component". Therefore, the adhesive composition of Saotome (before polymerization) containing various monomers as set forth in for examples of Saotome is equated to "curable component".

See paragraph no. 10 on page 4 of the December 29 Office Action.

The Office erroneously asserts that the composition from which the Saotome adhesive composition is obtained is itself an adhesive composition. There is no evidence of record to support such an interpretation.

Saotome makes it absolutely clear that the adhesive composition is one that contains a polymer formed by polymerizing a monomer composition. Saotome nowhere discloses or suggests that the monomer composition from which the polymer is derived is an adhesive. This is unmistakably clear from Claim 1 of page 3 of the English translation of Saotome which recites an "adhesive composition produced by compounding a tackifier ... to a polymer composition" formed by reacting CAB, CAP and a methacrylic acid ester. The

adhesive composition of Saotome is the combination of a tackifier and the polymer derived from the polymerization reaction of CAB, CAP and methacrylic acid ester. The Office's characterization of Saotome cannot be reconciled with Saotome's explicit disclosure that the adhesive composition must contain a polymerized mixture of CAB, CAP and methacrylic acid ester that has been compounded with a tackifier.

Further still, the Office asserts in paragraph 10 of the December 29, 2008 Office Action that Saotome discloses forming an adhesive composition before the composition is polymerized. In this regard Saotome discloses in Example 1 that a mixture of n-butyl acrylic acid, 2-ethyl hexyl acrylic acid and vinyl acetate are reacted (polymerized) then placed on a substrate. Saotome does not disclose that the mixture of monomers (e.g., un-polymerized monomer mixture) can be used as an adhesive.

The Office puts forth no legally or technically reasonable basis for asserting that one of skill in the art would apply a mixture of CAB, CAP and methacrylic acid ester to any film of Kawabata. It appears that the Office is of the belief that one of ordinary skill in the art would do so because the mixture of CAB, CAP and methacrylic acid ester is an adhesive. This, however, is not correct. Nowhere in the art of record is there any evidence whatsoever that a mixture of CAB, CAP and methacrylic acid ester in its unpolymerized form, in the absence of a tackifier, is an adhesive. The Office's assertions to the contrary are simply not supportable by the evidence of record.

Applicants thus submit the rejections of the claims in view of the combination of Kawabata and Saotome should be withdrawn.

In the paragraph bridging pages 12 and 13 of the Amendment filed in the present application on September 18, 2008, Applicants pointed out that Claims 19 and 22 recite particular structure affecting the nature of the chemical bonding between metal oxide

particles present in a high index refraction layer and the an adhesive layer. The Office rationalizes the rejection of Claims 19 and 22 on the following reason:

As to the claimed requirement of “wherein the crosslinkable functional groups of the metal oxide fine particles are cross linked with the curable component of the adhesive”; it is respectfully submitted that Applicant has provided no limitations associated with the structure or the composition of the functional groups and/or the curable component. The antireflection film of Kawabata as modified by Saotome, Furman, and Suzuki as set forth above comprise an adhesive layer having a curable component and metal oxide fine particles having crosslinkable functional group. Further, the antireflection film of Kawabata as modified by Saotome, Furman, and Suzuki is cured. The antireflection film of Kawabata as modified by Saotome, Furman, and Suzuki is structurally and compositionally equivalent to Applicant’s antireflection film. Thus, the aforementioned claim requirement would be present.

See the paragraph bridging pages 9 and 10 of the December 29 Office Action.

Claims 19 and 22 explicitly recite structural requirements related to the chemical bonding between metal oxide fine particles present in a high refractive index layer and a curable component present in an adhesive layer. The metal oxide fine particles must contain a vinyl group which has been cross linked with the curable component of the adhesive. Thus, contrary to the Office’s assertion, Claims 19 and 22 do, in fact, explicitly, include limitations associated with the structure of the crosslinkable functional groups of the metal oxide fine particles and the curable component of the adhesive.

Applicants thus submit that the rejection of Claims 19 and 22 is further not supportable.

With regard to the rejection of the claims for obviousness-type double patenting, Applicants request the Office hold such rejection in abeyance until allowable subject matter has been identified in the present application. Applicants reserve the option of filing a Terminal Disclaimer to obviate such rejection later, if expedient.

For the reasons discussed above in detail, Applicants request the Office provide an indication of allowable subject matter and withdraw the rejection of the claims in view of Kawabata and Saotome.

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